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Letter dated 1 March 2002 from the Chairman of the Security Council Committee established pursuant to resolution 864 (1993) concerning the situation in Angola addressed to the President of the Security Council

I have the honour to transmit herewith the report of the Security Council Committee established pursuant to resolution 864 (1993) concerning the situation in Angola, which was adopted by the Committee under the no-objection procedure on 1 March 2002 and is being submitted in accordance with the note by the President of the Security Council of 29 March 1995 (S/1995/234).

(*Signed*) Richard **Ryan**
Chairman
Security Council Committee established
pursuant to resolution 864 (1993)
concerning the situation in Angola

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Annex

Report of the Security Council Committee established pursuant to resolution 864 (1993) concerning the situation in Angola

I. Introduction

1. The present annual report of the Security Council Committee established pursuant to resolution 864 (1993) concerning the situation in Angola covers the period from 1 January to 31 December 2001.

2. A report of the Committee covering its activities from January to December 2000 was submitted to the Security Council on 28 December 2000 (S/2000/1255).

3. For 2001, the bureau consisted of Richard Ryan (Ireland) as Chairman, with the delegations of Colombia and Singapore providing the two Vice-Chairmen.

4. The Committee held 11 formal and 6 informal meetings during 2001.

II. Background information

5. The first range of sanctions — arms and petroleum embargoes — were imposed against the União Nacional para a Independência Total de Angola (UNITA) by the Security Council in resolution 864 (1993) on 15 September 1993. In resolution 1127 (1997), adopted on 28 August 1997, the Council imposed a travel ban on senior officials of UNITA and adult members of their immediate families as designated by the Committee, the closure of UNITA offices, the prohibition of flights of aircraft by or for UNITA, and the supply of any aircraft, aircraft components, or aircraft servicing to UNITA. Some exemptions were established with regard to medical emergencies and flights carrying supplies for essential humanitarian needs, as approved by the Committee.

6. In its resolution 1173 (1998) of 12 June 1998, the Security Council decided to expand the measures imposed against UNITA. These measures required States, except Angola, to freeze UNITA funds within their territory and ensure that those funds were not made available directly to or for the benefit of UNITA as an organization or of senior officials of UNITA or adult members of their immediate families, as designated pursuant to paragraph 11 of resolution 1127 (1997). It also required states, in areas of Angola to which State administration had not been extended, to take the necessary measures to prevent all official contacts with UNITA leadership; prohibit import of diamonds from Angola not controlled through the Government's Certificate of Origin; prohibit the sale or supply to persons and entities in areas of Angola to which State administration had not been extended, of equipment used in mining or mining services as well as motorized vehicles or watercraft or spare parts for such vehicles, or ground or waterborne transportation services.

7. In its resolution 1295 (2000), adopted on 18 April 2000, the Security Council requested the Secretary-General to establish a monitoring mechanism to collect additional relevant information relating to violations of the sanctions measures, including to investigate any relevant leads initiated by the Panel of Experts, and to report periodically to the Committee with a view to improving the implementation of the measures imposed against UNITA. In resolution 1237 (1999), adopted on 7 May 1999, the Council established a Panel of Experts with a six-month mandate to trace violations regarding arms, petroleum, and diamonds, as well as the movement of UNITA funds.

8. On 11 July 2000, the Secretary-General appointed the five-member Monitoring Mechanism and selected Ambassador Juan Larraín (Chile) as its Chairman (S/2000/677). In addition to Ambassador Larraín, Ms. Christine Gordon (United Kingdom), Mr. James Manzou (Zimbabwe), Mr. Ismaila Seck (Senegal) and Ambassador Lena Sundh (Sweden) were appointed as members of the Mechanism. The mandate of the Mechanism has been extended on three occasions.

9. On 23 January 2001, the Security Council by resolution 1336 (2001) decided to extend the mandate of the Mechanism for a period of three months and requested the Secretary-General to reappoint up to five of the experts appointed by him pursuant to resolution 1295 (2000). On 29 January the Secretary-General wrote to the President of the Security Council informing him that he had re-appointed all five experts (S/2001/91). On 19 April 2001, in resolution 1348 (2001), the Council decided to extend the mandate of the Mechanism for a period of six months and

requested the Secretary-General to appoint up to five experts to serve on the Mechanism. On 31 May, the Secretary-General wrote to the President of the Security Council informing him that he had reappointed four of the experts (S/2001/537). On 9 July 2001, the Secretary-General appointed Mr. Wilson Chisala Kalumba (Zambia) (S/2001/676) to replace Mr. Manzou, who was unable to continue to serve on the Mechanism. On 19 October 2001, in resolution 1374 (2001), the Council decided to extend the mandate of the Mechanism for a period of six months and requested the Secretary-General to appoint four experts to serve on the Mechanism. On 24 October 2001, the Secretary-General wrote to the President of the Security Council informing him that he had reappointed four members of the Mechanism (S/2001/1009). Ambassador Sundh was unable to continue to serve on the Mechanism.

10. Since its establishment, the Mechanism has submitted four reports to the Security Council through the Committee. The first, interim report (S/2000/1026) was submitted to the Security Council on 24 October 2000, a final report (see S/2000/1225 and Corr.1 and 2) on 21 December 2001, an addendum to the final report (see S/2001/363) on 16 April 2001 and a supplementary report (see S/2001/966) on 12 October 2001. In resolution 1374 (2001), paragraph 4, the Council called upon the Committee to examine the recommendations contained in the Mechanism's last three reports and to offer guidance to the Mechanism on its future work. In paragraph 5, it also requested the Mechanism to provide the Committee within 60 days of the adoption of the resolution with a detailed action plan for its future work, in particular, but not exclusively, on sanctions on UNITA diamonds, violations of arms sanctions, and on UNITA finances.

III. Summary of the Committee's activities during the reporting period

11. At the beginning of 2001, members focused on the Committee's future work, in particular considering the final report of the Monitoring Mechanism (see S/2000/1225 and Corr.1 and 2). The Committee gave full consideration to the report at its 28th, 29th and 30th meetings, held, respectively, on 21 December 2000 and 18 and 26 January 2001. The introduction to the report analysed the situation in Angola and subsequent sections covered the issues of arms, diamonds, restrictions imposed on UNITA representation and on travel of its senior officials and their family members, and the role of transport in sanctions-busting. Annex B to the report contained a list of senior UNITA officials and their family members. Ambassador Larraín, when introducing the report, stressed the importance of two particular recommendations made in the report: (a) the possibility of taking measures against countries found to be intentionally violating sanctions; and (b) the need for continued vigilance in monitoring the implementation of sanctions. At its 29th meeting, the Committee also discussed the extension of the mandate of the Monitoring Mechanism.

12. On 20 February 2001, the Chairman wrote, at the request of the Committee, to the European Union and to the Economic Community of West African States (ECOWAS), drawing their attention to the relevant paragraphs of the final report of the Monitoring Mechanism and requesting their observations on the concerns expressed in the report, in particular regarding possible abuse by UNITA officials of the Schengen Agreement and ECOWAS travel documents. In a separate note verbale, the Chairman also requested all Member States to provide the Committee with details of any action taken by them to follow up on the conclusions and recommendations contained in the final report, paragraph 244. As of 31 December 2001, the Committee had received a limited number of responses to its request.

13. On 22 February 2001, an open meeting of the Security Council was held to discuss the Mechanism's final report. The members of the Council and 15 non-members, including Angola, which was represented by the Minister for External Relations, Mr. João de Miranda, commented on the report and its conclusions (see S/PV.4283). The debate confirmed that the issue and the effectiveness of sanctions against UNITA continued to be of concern to Member States.

14. On 12 April 2001, at the 33rd meeting of the Committee, the Chairman reported on his visits to Angola, Namibia, Portugal, South Africa and Zambia, during the period 22 March to 6 April 2001, where he met with representatives of Governments, political parties, non-governmental organizations and the diplomatic communities. He noted that he had received in the countries visited a sense of commitment at the highest levels to the implementation of sanctions. The

Chairman also informed the Committee of the Angolan Government's appreciation of the Security Council's commitment to the implementation of the sanctions regime against UNITA. At the same meeting, the Committee discussed the addendum to the final report of the Monitoring Mechanism (see S/2001/363), finalized on 11 April 2001. Based on the Mechanism's recommendation, the Committee decided, inter alia, on 12 April 2001 to recommend that a private company be contracted by the United Nations to trace UNITA assets. Subsequently, on 19 April 2001, the Chairman of the Committee provided an oral report to the members of the Security Council at its informal consultations about his visits to the above-mentioned countries.

15. On 28 June 2001, at the 35th meeting of the Committee, the Chairman reported on his visits to Bulgaria, Romania, the Russian Federation, Ukraine, and the United Kingdom during the period from 4 to 15 June. He reported on discussions with representatives of these countries, in particular, on the issues of arms and diamonds trafficking. Subsequently, at its informal consultations on 5 July 2001, he reported orally about these visits to the members of the Security Council.

16. On 28 September 2001, the Committee approved an updated list of senior UNITA officials and adult members of their immediate families, which was issued on 2 October 2001 as a press release. The list was forwarded to all 189 Member States and relevant international organizations, together with a note by the Chairman of the Committee dated 11 October 2001, requesting them to inform the Committee of the action they had taken with respect to the list in the light of the relevant provisions of resolutions 1127 (1997) and 1173 (1998), which imposed representation, travel and financial sanctions. On 4 December 2001, the Chairman wrote to Member States again requesting them to report to the Committee on the specific action taken with respect to the list of UNITA senior officials and adult members of their immediate families by 14 January 2002. At its 38th meeting, held on 20 November 2001, the Committee agreed that the responses received would be studied by the Monitoring Mechanism.

17. On 12 October 2001, at its 36th meeting, the Committee began its consideration of the supplementary report of the Monitoring Mechanism on sanctions against UNITA (see S/2001/966). A draft resolution of the Security Council to extend the mandate of the Mechanism was circulated at the meeting.

18. On 19 October 2001, the Committee issued a press release stating that the Government of Angola, in accordance with paragraph 19 of Security Council resolution 864 (1993), for the purposes of the implementation of the sanctions against UNITA, had identified two additional points of entry into Angolan territory: (a) the town of Soyo, Zaire Province, and (b) the port of Cabinda, Cabinda Province.

19. On 4 December 2001, the Committee sent letters to the European Union and ECOWAS, reiterating its concern at possible abuse by UNITA officials of the Schengen Agreement and ECOWAS travel documents and requesting again their respective observations on the issues raised in the letters sent to them on 20 February 2001.

20. On 11 December 2001, at its 39th meeting, the Committee completed its consideration of the recommendations contained in the Mechanism's last three reports in accordance with paragraph 4 of resolution 1374 (2001). The Committee also stressed the importance of efforts made outside the framework of the United Nations for the implementation of the sanctions against UNITA. In this regard, the Committee expressed its interest in a report on progress made at the Kimberley Process which was to be submitted to the General Assembly at its fifty-sixth session pursuant to Assembly resolution 55/56 of 1 December 2000. On behalf of the Chairman of the Committee, a representative of the Permanent Mission of Ireland attended several meetings held within the Kimberley Process, in Brussels from 25 to 27 April 2001; in Moscow from 3 to 5 July 2001; in London from 11 to 13 September 2001; and in Gaborone from 28 to 29 November 2001. Copies of the final communiqués of those meetings were forwarded to members of the Committee for their information. At the same meeting, the Committee considered the Mechanism's draft action plan requested by the Council in resolution 1374 (2001). The Committee agreed that the Chairman would brief members of the Security Council regarding the implementation of paragraphs 4 and 5 of resolution 1374 (2001).

IV. Summary of the activities of the Monitoring Mechanism

21. During the three-month mandate period to 19 April 2001, members of the Monitoring Mechanism visited Angola, Belgium, Botswana, the Democratic Republic of the Congo, Côte d'Ivoire, France, the Gabon, Italy, Namibia, Kenya, South Africa, the Sudan, and the United Republic of Tanzania. In Angola, Ambassador Larraín met with members of the Government, who observed that UNITA's military capability was being adversely affected by the sanctions. The Mechanism also visited the headquarters of the Southern African Development Community (SADC). The Chairman met with the acting Executive Secretary of SADC and discussed action taken by SADC to fulfil its tasks under Security Council resolution 1295 (2000).

22. In April, the Mechanism submitted to the Committee its programme of work for the period of its mandate to 19 October 2001. The Mechanism placed priority on following up new leads on alleged sanctions violations that could not be pursued under its earlier mandate owing to time constraints, and on communications with Member States on alleged sanction violations. The Mechanism accorded importance to the commissioning of a professional asset tracer to investigate the assets and finances of UNITA. The Mechanism also placed emphasis on continuing consultations with Governments and subregional, regional and international organizations to improve the implementation of sanctions against UNITA.

23. On 16 April 2001, the addendum to the final report of the Monitoring Mechanism on Sanctions against UNITA was submitted by the Chairman of the Committee to the President of the Security Council (S/2001/363), in accordance with Security Council resolution 1336 (2001). The addendum covered various aspects of the implementation of the sanctions regime against Angola, with the exception of the financial assets and transactions of UNITA, which the Mechanism later investigated with the assistance of the private asset-tracing company. In the addendum, the Mechanism primarily updated its information on the regions where UNITA was most active, covered measures taken by the Government of Angola to control diamond exports in order to curb illicit trafficking, and identified companies and brokers involved in trafficking arms to UNITA. The Mechanism observed that the implementation of the recommendations contained in its final report continued to be urgent and necessary. The addendum was discussed at the 33rd and 34th meetings of the Committee, held on 12 and 26 April 2001, at which Ambassador Larraín answered questions raised by members of the Committee.

24. The Mechanism sent questionnaires to all Member States, seeking information on the measures they had put in place to promote and strengthen the implementation of sanctions against UNITA. Communications were also sent to a number of Member States, seeking more information on UNITA senior officials cited in the final report as residing in their territories. While some countries responded promptly to the Mechanism's enquiries, a number of responses remained outstanding.

25. In early June 2001, the Monitoring Mechanism travelled to Brussels to discuss recent events with representatives of relevant ministries, including the High Diamond Council. Ambassador Larraín also visited Vienna, where he met with officials of the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies. Wassenaar officials reiterated their interest in cooperating with the Monitoring Mechanism. The Wassenaar Arrangement has established a working group to consider matters relating to end-user certificates. Ambassador Larraín then met with representatives of the International Criminal Police Organization (Interpol) in Lyon, France, which is cooperating with the United Nations in combating diamond- and weapons-trafficking networks in Africa, particularly in Angola.

26. On 25 June 2001, Ambassador Larraín held a preliminary meeting with the representatives of the private asset-tracing company that had been approved by the Committee to trace financial assets of UNITA. The company agreed to the terms of the contract drawn up by the United Nations Secretariat. Consequently, the Mechanism was able to expand its base of inquiry by drawing upon the expertise of professional asset tracers to identify the financial resources held by UNITA.

27. On 8 October 2001, the Chairman of the Monitoring Mechanism submitted the Mechanism's supplementary report (see S/2001/966) in accordance with Security Council resolution 1348 (2001) to the

Chairman of the Committee. During the mandate period, the Mechanism pursued allegations of sanctions violations and continued its examination of the role of criminal elements instrumental to the capacity of UNITA to sustain its guerrilla war. Throughout this period, the Mechanism continued to conduct its investigations using the strictest evidentiary standards attainable. The report covered the implementation of the sanctions on UNITA; representation and the travel and residence of senior UNITA officials and their family members; the arms and petroleum embargo; and sanctions on UNITA diamonds and UNITA finances and asset tracing. During the period covered by the supplementary report, the Mechanism visited the following countries for consultations: Angola, Belgium, Botswana, Burkina Faso, Côte d'Ivoire, France, Kenya, Portugal, South Africa, the Sudan, the United Republic of Tanzania and Zambia. In addition, correspondence was addressed to a number of Member States, seeking information or clarification on allegations of sanctions violations. The Committee discussed its contents at its 36th and 37th meetings, held on 12 October and 7 November 2001.

V. Observations

28. There is a broad consensus that, in 2001, the sanctions against UNITA continued to be effective in helping to reach their main objective — preventing UNITA from pursuing its objectives through military means. In this connection, the Committee wishes to reiterate its call on Member States to comply fully with the requirements contained in all relevant Security Council resolutions imposing sanctions against UNITA and in this regard to cooperate fully with the Committee and the Monitoring Mechanism on sanctions against UNITA.

29. The Committee reaffirms the importance of keeping sanctions under close and ongoing monitoring with a view to sustaining and improving their effectiveness until conditions in the relevant resolutions are met. In this regard, the Committee has noted the wide international recognition of the work of the Monitoring Mechanism on sanctions against UNITA, based on identifying the sources and methods of violations of the sanctions and offering practical recommendations for further action, as a continuing critical tool.

30. The Committee will continue to make additional efforts in cooperation with Member States and relevant international organizations to further enhance the effectiveness of sanctions against UNITA.